

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FREDERICK BLUNT

(Name of the plaintiff or plaintiffs)

v.

EXELON / COMMONWEALTH EDISON COMPANY

(Name of the defendant or defendants)

CIVIL ACTION

NO. 07 C 6753

FILED
JUN 20 2008
6-20-2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

AMENDED
COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is FREDERICK BLUNT of the
county of COOK in the state of ILLINOIS.

3. The defendant is EXELON / COMMONWEALTH EDISON CO., whose
street address is 10 S. DEARBORN ST.

(city) CHICAGO (county) COOK (state) ILL (ZIP) 60603

(Defendant's telephone number) (815) - 467-3621

4. The plaintiff sought employment or was employed by the defendant at (street address)

1910 BRIGGS STREET (city) JOLIET

(county) COOK (state) ILLINOIS (ZIP code) 60419

5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.
- (b) ☐ was hired and is still employed by the defendant.
- (c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,

(month) FEBRUARY, (day) 2nd, (year) 2006.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

(a) The defendant is not a federal governmental agency, and the plaintiff [*check*

one box] ☐ *has not* filed a charge or charges against the defendant
☒ *has*

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) ☒ the United States Equal Employment Opportunity Commission, on or about
 (month) SEPTEMBER (day) 18th (year) 2006.

(ii) ☐ the Illinois Department of Human Rights, on or about
 (month) — (day) — (year) —.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is

attached. ☒ YES. ☐ NO, but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month) _____ (day) _____ (year) _____

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month) _____
(day) _____ (year) _____.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☐ NO, but a copy will be filed within 14 days.

8. *(Complete paragraph 8 only if defendant is not a federal governmental agency.)*

(a) ☐ the United States Equal Employment Opportunity Commission has not issued
a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a
Notice of Right to Sue, which was received by the plaintiff on
(month) September (day) 24th (year) 2007 a copy of which
Notice is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

(a) ☐ Age (Age Discrimination Employment Act).

(b) ☒ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

- (c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.
12. The defendant [*check only those that apply*]
- (a) ☐ failed to hire the plaintiff.
- (b) ☒ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ failed to stop harassment;
- (g) ☐ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☐ other (specify): _____
-

13. The facts supporting the plaintiff's claim of discrimination are as follows:

SEE ATTACHED →

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff
[check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☒ Direct the defendant to re-employ the plaintiff.
- (c) ☐ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ Direct the defendant to (specify): _____

- _____

- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h) ☐ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

Frederick Blunt

(Plaintiff's name)

Frederick Blunt

(Plaintiff's street address)

15108 UNIVERSITY AVE

(City) DOLTON (State) IL (ZIP) 60419

(Plaintiff's telephone number) (708) - 214-8400

Date: JUNE 18th 2008

EEOC Form 5 (501)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC

440-2008-09590

Illinois Department Of Human Rights

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Mr. Frederick Blunt

Home Phone (Indicate Area Code)

(708) 201-0137

Date of Birth

07-12-1960

Street Address

City, State and ZIP Code

15108 University Avenue, Dolton, IL 60419

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

COM-ED

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(815) 724-5614

Street Address

City, State and ZIP Code

1910 Brigg Street, Joliet, IL 60433

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

02-03-2006

08-05-2006

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I have been employed with Respondent since December 6, 1984. My most recent position was Crew Leader/Cable Splicer. On or about February 2, 2006 I sustained an injury to my arm. I do not know what the cause of the injury was but my non-Black foreman took me to the Respondent physician. After a cursory examination I was given an over-the-counter pain pill and went home. On or about February 3, 2006, I called off work due to continued pain in my arm and I made an appointment to see my own physician. My foreman called and asked me to see Respondent's physician which I declined due to having a medical appointment scheduled. The foreman called twice more that day and subsequently insisted on picking me up while I was off from work and further, after my regularly scheduled hours, to have me see Respondent's physician. I informed the foreman that I had a medical note stating I was to be off for the next 4-6 weeks. I was told to I had to comply or my job would be in jeopardy. I was taken to a clinic and given a drug and alcohol test which produced a positive result for drugs. I was instructed by Respondent's EAP to participate in a 6-week program which I completed. I returned to work on or about April 5, 2006. On or about July 28, I was given a random follow-up drug test which had a positive result. I was terminated on August 5, 2006. Non-Black employees who have repeatedly called off have not been subjected to these circumstances and have retained their positions.

I believe I have been discriminated against because of my race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

SEP 18 2006

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT: FREDERICK BLUNT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Sep 18, 2006

Date

Charging Party Signature

EEOC Form 181 (3-82)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Frederick Blunt
15106 University Avenue
Dolton, IL 60419

From: Chicago District Office
600 West Madison St
Suite 2800
Chicago, IL 60661

CERTIFIED MAIL 7099 3400 0018 8815 5547



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2006-09580

Eva Baran,
Investigator

(312) 353-7303

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.



While reasonable efforts were made to locate you, we were not able to do so.



You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

John P. Rowe

John P. Rowe,
District Director

9-17-07

(Date Mailed)

Enclosure(s)

cc: COM- ED/EXELON

Paragraph #13 CONT-

I WAS HIRED IN COMMONWEALTH Edison as a METER READER ON December 6, 1984, (Twenty Four) 24 yrs ago.

MY FIRST FIVE (5) YEARS OF SERVICE I DIDN'T MISS A DAY OF WORK I WAS Twenty Four years old.

While I WAS READING METERS I ENROLL MYSELF IN THE ELECTRICAL ENGINEERING COURSES I AND ALSO ENGINEERING II, IN WHICH I COMPLETED IN THE FIRST TWO YEARS OF MY EMPLOYMENT.

I WAS AWARDED MY CERTIFICATES FOR COMPLETION OF THE ENGINEERING COURSES AS WELL AS PERFECT ATTENDANCE FOR THE (5TH) FIFTH YEAR CONTINUOUS.

The Following year, I was Chosen along with Eleven others To attend Climbing School, for Overhead or UnderGround Dept, My Choice was UnderGround.

I have Spent 16 yrs as a Journeyman Electrician Specializing in UnderGround Cable Splicing.

I've Spent a lot of time from home working the OVERTIME that was Required of me.

REGARDLESS, OF LOSING my Family in a divorce I did what was required of me IN REGARDS OF THE CALL-OUT response.

I recall IN the mid 1990 AND the early 2000 when the Loop was Flooded, AND Under ground Journeyman was Needed also when Mayor Daley was unhappy about faulted AND old cable wire needed to be replaced, I have sacrifice my Family.

Later in my career I was promoted from Journeyman Cable-Splicer, to Crew Leader.

In which Leads to more responsibilities, working in conjunction with the Foreman's.

My Foreman's always graded me EXCELLENT or close to that on my APPRAISALS

I've never been written up in my (Twenty Four) 24 yrs service. I am a team player I work hard, my work is EFFECTIVE AND EFFICIENT.

I would like to say that there's never been a Fatality on my crew and I never got someone hurt or INJURED.

Under the EXELON/COM-EDGE alcohol and controlled substances policies. I WAS NOT AT WORK NOR ON THE PROPERTY OF MY EMPLOYER. EXELON VIOLATED there.

POLICES AND TERMINATED ME BECAUSE OF WRONGLY TESTED.

CONT -

Paragraph 13 According to Exe/on/COM-ed
EMPLOYEE STANDARDS OF CONDUCT
NON-^{AFRICAN AMERICAN} Black people are treated
better, when it relates to
VIOLATION OF COMPANY POLICIES.

NON-AFRICAN AMERICAN WAS RE-
hired when he was wrongfully
TESTED POSITIVE FOR ALCOHOLIC
BEVERAGES, ILLEGAL OR CONTROLLED
SUBSTANCES, IN THE YEAR OF
2002 - 2003. HE WAS IN THE
ELECTRICAL OVERHEAD DEPT.

at the UNIVERSITY PARK HEADQUARTERS.

also, you have NON-AFRICAN
AMERICAN that ~~WAS~~ STOLEN
BOB-CAT EQUIPMENT OUT OF THE
REPORTING HEADQUARTERS, AND DID NOT
LOSE HIS JOB AND HIS THIRD OFFENSE.

There was
A NON-AFRICAN AMERICAN that
WAS CAUGHT SLEEPING IN THE BACK
OF THE TRUCK LYING DOWN AND
VIDEO RECORDED BY A SUPERINTEND
WHO HAPPEN TO BE AT A SOCCER
GAME ON A SATURDAY EVENING.
There WAS NOT ANY DISCIPLINED.

There happen to be many more
Such as a Non-Black has
ran a switching routine on at
least three or four occasion
and has lost electricity to
three or four towns within in
a six month period.

There was NOT Alcohol,
OR Illegal controlled substances
Requested, and there were NO
TIME OFF OR TERMINATION.

These are some of the
concerns that I have with
Exelon / com-ed, when their
are black people in the
picture, therefore I believe we are
treated differently.

Thanks in advance,

Sincerely,
Frederick Bent